



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

August 10, 2020

By ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Cruz*, 20 Cr. 196 (JMF)

Dear Judge Furman:

The Government submits this letter jointly on behalf of the parties in response to the Court's August 6, 2020 Order directing the parties to indicate their views as to whether the upcoming change-of-plea hearing, currently scheduled for August 19, 2020, should proceed as scheduled or be adjourned, in light of the fact that the Court will be unable to hold the hearing in person due to the circumstances surrounding COVID-19. The defendant does not consent to proceed with the hearing by video or telephone conference. The parties therefore request that the hearing be adjourned and that an in-person plea be scheduled at the earliest practicable time. Accordingly, the parties request that the Court set a control date for the plea in mid-September. The Government requests, with the consent of defense counsel, that time be excluded until that time in light of the COVID-19 pandemic and to allow the parties to prepare for a pre-trial disposition in this case.

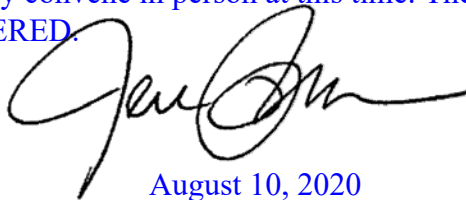
Very truly yours,

AUDREY STRAUSS
Acting United States Attorney

by: 

Mitzi S. Steiner
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Application GRANTED. Unless and until the Court orders otherwise, the parties shall appear for a change-of-plea hearing on September 16, 2020, at 2:30 p.m. The Court excludes time under the Speedy Trial Act between today and September 16, 2020, finding that the interests in excluding that time outweigh the interests of the Defendant and the public in a speedy trial given the need for the Defendant to confer with counsel with respect to whether and how to change his plea in view of the COVID-19 situation and the inability to safely convene in person at this time. The Clerk of Court is directed to terminate ECF No. 21. SO ORDERED.



August 10, 2020

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